

Senate Bill 572 History

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This document contains all available versions, roll-call votes and amendments pertaining to the legislation.

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Committee Substitute

for

Senate Bill 572

BY SENATORS KARNES, SYPOLT, CLINE, OJEDA,

AND PLYMALE

[Originating in the Committee on Agriculture and
Rural Development; Reported on February 21, 2018]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §19-36-1, §19-36-2, §19-36-3, §19-36-4, §19-36-5, and §19-36-6, all relating
3 to creating the West Virginia Farm-to-School Grant Program; defining terms; providing
4 method for allocating grants; limiting grants; authorizing rulemaking; and requiring
5 program review and reports.

Be it enacted by the Legislature of West Virginia:

ARTICLE 36. WEST VIRGINIA FARM-TO-SCHOOL GRANT PROGRAM.

§19-36-1. Findings and purpose.

1 The Legislature finds that it is an important public policy to promote fresh, healthy, and
2 local agricultural products in public schools and to provide an incentive for farmers to sell local
3 foods to public schools in this state by providing a competitive grant program. Therefore, the
4 Legislature hereby establishes the West Virginia Farm-to-School Grant Program.

§19-36-2. Definitions.

1 As used in this article:
2 “Department” means the Department of Agriculture;
3 “Local school” means a public secondary school operating in West Virginia; and
4 “Local foods” means fresh and nutritious fruits, vegetables, beef, poultry, pork, fish, milk,
5 bread, or other edible product raised or grown in West Virginia that is appropriate for public school
6 food programs.

§19-36-3. Amount of grant program; creation of fund.

1 (a) There is created in the State Treasury a special revenue account to be designated the
2 West Virginia Farm-to-School Grant Program Fund. The fund shall be administered by the
3 Commissioner of Agriculture. Expenditures from the fund:
4 (1) May be made only for the purposes set forth in this article;
5 (2) Are to be made in accordance with appropriation by the Legislature; and

6 (3) Shall be made in compliance with the provisions of §12-3-1 et seq. of this code and
7 upon the fulfillment of the provisions set forth in §11B-2-1 et seq. of this code.

8 (b) All moneys received and collected pursuant to this article shall be deposited into the
9 fund. The fund may receive any appropriations, gifts, grants, contributions, or other money from
10 any source that is designated for deposit into the fund.

11 (c) Administrative expenses of the department may not exceed 10 percent of the funds
12 deposited in any fiscal year: *Provided*, That the department's administrative expenses shall not
13 exceed \$25,000 for any fiscal year. The remainder shall be used exclusively for implementation
14 of the program.

15 (d) No more than \$275,000 of grant money may be allocated to the department in any
16 fiscal year.

§19-36-4. Farm-to-School Grant Program.

1 The commissioner shall award \$25,000 grants, or one tenth of the available grant money
2 after subtracting department administrative expenses, whichever is greater, for the following:

3 (1) Each of the top five public schools that purchases the largest percentage of local foods
4 in comparison to the student population, with no more than one school per county eligible for the
5 grant award; and

6 (2) Each of the top five county school districts that purchases the largest percentage of
7 local foods in comparison to the district's student population.

§19-36-5. Legislative rules.

1 The Commissioner of Agriculture may propose rules for legislative approval, in
2 consultation with the Department of Education, in accordance with the provisions of §29A-3-1 et
3 seq. of this code that may be necessary to carry out the purposes of this article.

§19-36-6. Program review report.

1 Beginning on the first day of the second taxable year after the passage of this article and
2 every two years thereafter, the department shall submit to the Governor, the President of the

- 3 Senate, and the Speaker of the House of Delegates a program review and accountability report
- 4 evaluating the effectiveness of the grant program during the most recent two-year period for which
- 5 information is available.

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 572

BY SENATORS KARNES, SYPOLT, CLINE, OJEDA, AND

PLYMALE

[Introduced February 16, 2018; Referred
to the Committee on Agriculture and Rural Development;
and then to the Committee on Education]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §19-36-1, §19-36-2, §19-36-3, §19-36-4, §19-36-5, and §19-36-6, all relating
3 to creation of the Farm-to-School Grant Program; defining terms; providing method for
4 allocating grants; limiting grants; authorizing rulemaking; and requiring program review
5 reports.

Be it enacted by the Legislature of West Virginia:

ARTICLE 36. WEST VIRGINIA FARM-TO-SCHOOL GRANT PROGRAM.

§19-36-1. Findings and purpose.

1 The Legislature finds that it is an important public policy to promote fresh, healthy, and
2 local agricultural products in public schools and to provide an incentive for farmers to sell local
3 foods to public schools in this state by providing a competitive grant program. Therefore, the
4 Legislature hereby establishes the West Virginia Farm-to-School Grant Program.

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3 Commissioner of Agriculture. Expenditures from the fund:
4 (1) May be made only for the purposes set forth in this article;
5 (2) Are to be made in accordance with appropriation by the Legislature; and
6 (3) Shall be made in compliance with the provisions of §12-3-1 et seq. of this code and

upon the fulfillment of the provisions set forth in §11B-2-1 *et seq.* of this code.

(b) All moneys received and collected pursuant to this article shall be deposited into the fund. The fund may receive any appropriations, gifts, grants, contributions or other money from any source that is designated for deposit into the fund.

(c) Administrative expenses of the department may not exceed 10 percent of the funds deposited in any fiscal year. The remainder shall be used exclusively for implementation of the program.

(d) No more than \$275,000 of grant money may be allocated to the department in any fiscal year.

§19-36-4. Farm-to-School Grant Program.

The commissioner shall award \$25,000 grants, or one tenth of the grant money, for the following:

(1) Each of the top five public schools that purchase the largest percentage of local foods in comparison to the student population, with no more than one school per county eligible for the grant award; and

(2) Each of the top five county school districts that purchase the largest percentage of local foods in comparison to the district's student population.

§19-36-5. Legislative rules.

(a) The Commissioner of Agriculture may propose rules for legislative approval, in consultation with the Department of Education, in accordance with the provisions of §29A-3-1 *et seq.* of this code that may be necessary to carry out the purposes of this article.

§19-36-6. Program review report.

Beginning on the first day of the second taxable year after the passage of this article and every two years thereafter, the department shall submit to the Governor, the President of the Senate and the Speaker of the House of Delegates, a program review and accountability report evaluating the effectiveness of the grant program during the most recent two-year period for which

5 information is available.

NOTE: The purpose of this bill is to establish the Farm-To-School Grant Program.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.

West Virginia Senate

Roll Call

SB 572

Creating Farm-to-School Grant Program

Yea: 33

Nay: 0

Absent: 1

Excused: 0

Y ARVON

Y AZINGER

Y BALDWIN

Y BEACH

Y BLAIR

Y BOLEY

Y BOSO

Y CLEMENTS

Y CLINE

Y DRENNAN

Y FACEMIRE

Y FERNS

Y GAUNCH

Y JEFFRIES

Y KARNES

A MANN

Y MARONEY

Y MAYNARD

Y OJEDA

Y PALUMBO

Y PLYMALE

Y PREZIOSO

Y ROMANO

Y RUCKER

Y SMITH

Y STOLLINGS

Y SWOPE

Y SYPOLT

Y TAKUBO

Y TRUMP

Y UNGER

Y WELD

Y WOELFEL

Y MR PRESIDENT

3rd Reading

The Committee on Education moves to amend the bill on page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 36. WEST VIRGINIA FARM-TO-SCHOOL GRANT PROGRAM.

§19-36-1. Findings and purpose.

The Legislature finds that it is an important public policy to promote fresh, healthy, and local agricultural products in public schools and to provide an incentive for farmers to sell local foods to public schools in this state by providing a competitive grant program. Therefore, the Legislature hereby establishes the West Virginia Farm-to-School Grant Program.

§19-36-2. Creation of fund.

The West Virginia Farm-to-School Grant Program Fund is hereby created. The fund shall be administered by the Commissioner of Agriculture and shall consist of all moneys made available for the program for the purposes of this article, from any source, including, but not limited to, all fees, civil penalties and assessed costs, all gifts, grants, bequests or transfers from any source, any moneys that may be appropriated and designated for the program by the Legislature and all interest or other return earned from investment of the fund. Expenditures from the fund shall be for the purposes set forth in this article and are not authorized from collections but are to be made only in accordance with appropriation by the Legislature and in accordance with the provisions of §12-3-1 et seq. of this code and upon the fulfillment of the provisions set forth in §11B-2-1 et seq. of this code. Any balance, including accrued interest and other returns, remaining in the fund at the end of each fiscal year shall not revert to the General Revenue Fund but shall remain in the fund and be expended as provided by this section.

§19-36-3. Farm-to-School Grant Program; legislative rules.

The Commissioner shall propose rules for legislative approval, in consultation with the Department of Education, in accordance with the provisions of §29A-3-1 et seq. of this code that may be necessary to carry out the purposes of this article, including rules regarding the award of monies under this program to

the county school districts.

§19-36-4. Program review report.

Beginning on the first day of the second taxable year after the passage of this article and every two years thereafter, the Department of Agriculture shall submit to the Governor, the President of the Senate, and the Speaker of the House of Delegates a program review and accountability report evaluating the effectiveness of the grant program during the most recent two-year period for which information is available.